



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Enno CHRISTOPHERS et al.

Examiner: Padmavathi BASKAR

Serial No.: 09/868,569

Group Art Unit: 1645

Filed: June 20, 2001

Title: HUMAN ANTIBIOTIC PROTEINS

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

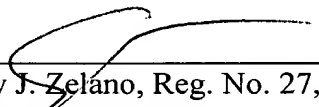
In response to the Restriction Requirement dated April 9, 2004, Applicants hereby elect Group I and SEQ ID NO.: 1, with traverse.

The proteins etc. of Group I and nucleic acids etc. of Group II do not lack unity of invention if examined in the same application. The nucleic acids, after all, derive utility from the encoding of the proteins of Group I. Furthermore, the examiner has not even alleged, let alone established, any searching burden for examining the full scope of at least Group I and/or II. This full scope would include examining all eight sequences identified in the office action. It is not seen where any searching burden would be involved. The examiner alleges there is no common sequence but has not given any explanation for this assertion.

The examiner is thus urged to examine at least Groups I and II together. Furthermore, since antibodies are in essence per se patentable once the corresponding proteins and/or nucleic acid is patentable according to the U.S. Patent and Trademark Office, the antibody groups can also be examined with this application with no searching burden at all being involved.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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Attorney Docket No.: DORRIE-0012-A

Date: October 25, 2004  
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